

Decision No. 18307.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Pan American Petroleum Company,
a Corporation,

vs.

Pacific Electric Railway Company,
a Corporation,

ORIGINAL

Case No. 2351.

BY THE COMMISSION:

O P I N I O N

Complainant, a corporation, organized under the laws of the State of California, with its principal place of business at Los Angeles, is engaged in producing, refining and marketing petroleum oil and its products. By complaint filed April 11, 1927, it is alleged that the rates charged for the transportation of four carloads of scrap steel shipped during the period December 19, 1924, to February 24, 1925, inclusive, from Watson to Torrance and Los Angeles were unreasonable to the extent they exceeded rates of $3\frac{1}{2}$ cents to each point.

The shipments were registered May 17, 1926, under informal complaint 35047, thereby tolling the statute of limitation.

An award of reparation is sought. Rates are stated in cents per 100 pounds.

Three carloads weighing 286,760 pounds moved to Torrance and one carload weighing 108,300 pounds moved to Los Angeles. Charges were assessed and collected on basis of 7 cents and $6\frac{1}{2}$ cents, respectively, the lawfully applicable rates.

Effective July 31, 1926, defendant voluntarily estab-

lished rates of $3\frac{1}{2}$ cents to each point of destination involved.

Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendant admits the allegation of the complaint and has signified a willingness to make reparation adjustment, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the rates of 7 cents and $6\frac{1}{2}$ cents assessed were unreasonable to the extent they exceeded the subsequently established rates of $3\frac{1}{2}$ cents. We further find complainant paid and bore the charges on the shipments involved and has been damaged to the extent of the difference between the freight charges paid and those that would have accrued at the rates herein found reasonable and that it is entitled to reparation.

Complainant will submit statement to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

O R D E R

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that defendant, Pacific Electric Railway Company be and it is hereby authorized and directed to refund unto complainant, Pan American Petroleum Company of Los Angeles, California, all charges it may have collected in excess

of 3½ cents per 100 pounds on the shipments involved in this proceeding and forwarded during the period December 19, 1924, to February 24, 1925, inclusive, from Watson to Torrance and Los Angeles.

Dated at San Francisco, California, this 29th day of April, 1927.

Ernest West
H. H. Bunnidge
C. A. Seaver
Leon Whitell

Commissioners.